

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: NEW ENGLAND COMPOUNDING
PHARMACY, INC., PRODUCTS
LIABILITY LITIGATION

MDL Docket No.: 2419
Dkt No.: 1:13-md-2419-RWZ

This Document Relates to Suits Naming the Premier Defendants

**DEFENDANT, GLENN CHIN'S, RESPONSE TO PREMIER DEFENDANTS' REQUEST
FOR PRODUCTION OF DOCUMENTS**

GENERAL OBJECTION

The Defendant, Glenn Chin, objects to the Request for Production of Documents served by the Premier Defendants on the following grounds:

At the initiation of the subject lawsuits, a general stay for discovery, was issued by the United States District Court (MDL) subsequently, the Court entered an order on October 9, 2014 staying the MDL proceedings and limiting discovery with respect to NECC insiders and related settling parties. (See MDL Doc. 1482). Pursuant to that order and the Plan Support and Funding Agreement referenced therein, (MDL Doc. 1106-1), discovery was permitted “only to the extent that the discovery is relevant to the prosecution, or defense, of claims against defendants other than the estate parties or the insider settling parties”. (MDL Doc. 1482).

Following that Order, by the MDL, Mr. Chin, and others, received indictments for activities relating to the manufacture, sale and distribution of MPA.

It is the position of this Defendant, Glenn Chin, that in view of the criminal indictments and the seriousness of those indictments, that the status of the overall situation has changed

dramatically and that Mr. Chin ought to be relieved of responding to discovery without being required to respond and invoke his Fifth Amendment privileges in this civil proceeding. Mr. Chin is presently considering filing a Motion for Protective Order invoking his right that the discovery stay should be re-imposed, in his favor, given the change of circumstances relative to the recent indictments.

Without waiving his rights and notwithstanding the objections asserted hereto, Mr. Chin responds to the Document request as follows:

REQUEST NO. 1

Produce all correspondence between you and any of the Premier Defendants, their employees, agents or representatives.

RESPONSE NO. 1

Without waiving the general objection, I am not in possession of any documents other than those which have been previously produced in the course of discovery by the trustee or those documents which have been made available by the United States Attorney.

REQUEST NO. 2

Produce all correspondence and documents referring or related to the Premier Defendants' purchase of MPA from NECC in 2011 and 2012.

RESPONSE NO. 2

Without waiving the general objection, I am not in possession of any documents other than those which have been previously produced in the course of discovery by the trustee or those documents which have been made available by the United States Attorney.

REQUEST NO. 3

Produce all documents produced by the government to you during any civil, criminal, or administrative proceedings related to NECC's contaminated MPA.

RESPONSE NO. 3

Without waiving the general objection, I am not in possession of any documents other than those which have been previously produced in the course of discovery by the trustee or those documents which have been made available by the United States Attorney.

REQUEST NO. 4

Produce all policies, procedures, guidelines, instructions and training documents referring or relating to the compounding of MPA at the NECC facility.

RESPONSE NO. 4

Without waiving the general objection, I am not in possession of any documents other than those which have been previously produced in the course of discovery by the trustee or those documents which have been made available by the United States Attorney.

REQUEST NO. 5

Produce all documents referring or relating to NECC or Ameridose sending sufficient samples by size or volume, to comply with USP 71 to ARL or any other testing laboratory.

RESPONSE NO. 5

Without waiving the general objection, I am not in possession of any documents other than those which have been previously produced in the course of discovery by the trustee or those documents which have been made available by the United States Attorney.

REQUEST NO. 6

Produce all documents referring or relating to any sterility, potency, endotoxin, or fungal testing that you received from ARL or any other laboratory related to MPA compounded by NECC or Ameridose in 2011 and 2012.

RESPONSE NO. 6

Without waiving the general objection, I am not in possession of any documents other than those which have been previously produced in the course of discovery by the trustee or those documents which have been made available by the United States Attorney.

REQUEST NO. 7

Produce all correspondence and documents referring or relating to fungal blooms or growth in or near NECC's cleanrooms.

RESPONSE NO. 7

Without waiving the general objection, I am not in possession of any documents other than those which have been previously produced in the course of discovery by the trustee or those documents which have been made available by the United States Attorney.

REQUEST NO. 8

Produce all documents referring or relating to any complaints that NECC or Ameridose received related to the sterility or safety of their products, including but not limited to complaints by customers, current or former employees, or state or federal government agencies.

RESPONSE NO. 8

Without waiving the general objection, I am not in possession of any documents other than those which have been previously produced in the course of discovery by the trustee or those documents which have been made available by the United States Attorney.

REQUEST NO. 9

Produce all documents referring or relating to any complaints NECC or Ameridose received related to their compliance with state or federal laws or regulations, including but not limited to complaints by customers, current or former employees, or state or federal government agencies.

RESPONSE NO. 9

Without waiving the general objection, I am not in possession of any documents other than those which have been previously produced in the course of discovery by the trustee or those documents which have been made available by the United States Attorney.

REQUEST NO. 10

Produce all correspondence and documents referring or relating to NECC's response to the meningitis outbreak, including but not limited to, steps NECC took to prepare for any inspections of its facility.

RESPONSE NO. 10

Without waiving the general objection, I am not in possession of any documents other than those which have been previously produced in the course of discovery by the trustee or those documents which have been made available by the United States Attorney.

REQUEST NO. 11

Produce all training and instructional material for sales staff at NECC or MSM.

RESPONSE NO. 11

Without waiving the general objection, I am not in possession of any documents other than those which have been previously produced in the course of discovery by the trustee or those documents which have been made available by the United States Attorney.

REQUEST NO. 12

Produce copies of any and all New Jersey Pharmacy Licenses issued to NECC and/or Glenn Chin, and all documents or communications between NECC and/or Glenn Chin and the New Jersey Board of Pharmacy, including those referring or related to the procurement or renewal of said Licenses.

RESPONSE NO. 12

Without waiving the general objection, I am not in possession of any documents other than those which have been previously produced in the course of discovery by the trustee or those documents which have been made available by the United States Attorney.

Respectfully submitted,
The Defendant,
Glenn A. Chin
By His Attorney,

/s/ Robert H. Gaynor
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CERTIFICATE OF SERVICE

I, Robert H. Gaynor, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copiers will be sent to those indicated as non registered participants on June 5, 2015.

/s/ Robert H. Gaynor

Robert H. Gaynor